

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Public Interest Legal Foundation,

Plaintiff,

v.

David Voye, Manager of Elections for Allegheny County, and Rich Fitzgerald, Bethany Hallam and Samuel DeMarco III, as Members of the Allegheny County Board of Elections in their official capacities,

Defendants.

Civ. No. 20-cv-00279 (CRE)

MOTION TO INTERVENE BY NON-PARTIES LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, LEAGUE OF WOMEN VOTERS OF GREATER PITTSBURGH, INC., ONE PENNSYLVANIA, AND THE PITTSBURGH CHAPTER OF THE A. PHILIP RANDOLPH INSTITUTE

The League of Women Voters of Pennsylvania and League of Women Voters of Greater Pittsburgh, Inc. (collectively, the “League”), One Pennsylvania (“One PA”), and the Pittsburgh chapter of the A. Philip Randolph Institute (“APRI,” and, together with the League and One PA, “Applicants”) respectfully move to intervene and become Defendants as of right pursuant to Fed. R. Civ. P. 24(a)(2) or in the alternative, permissibly under Fed. R. Civ. P. 24(b)(1). A memorandum in support of this Motion to Intervene is attached as Exhibit 1.

Applicants are nonpartisan organizations committed to eliminating barriers to voting and increasing civic engagement. They each conduct voter registration and education efforts in Allegheny County, Pennsylvania. They are entitled to intervene as of right under Rule 24(a) because they have (1) filed a timely motion to intervene; and (2) have an interest in the present litigation, that (3) stands to be impaired or affected by the resolution of this case, and (4) is not

adequately represented by the existing parties. *Liberty Mut. Ins. Co. v. Treedsdale, Inc.*, 419 F.3d 216, 220 (3d Cir. 2005). They may also be allowed to intervene permissibly because they have “claims or defense[s] that share[] with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b).

Applicants’ counsel has conferred with counsel for the other parties to ascertain whether there is any opposition to this motion. Counsel for the Plaintiff, J. Christian Adams, has advised that the Plaintiff opposes the Applicants’ intervention. Counsel for Defendants, Andrew F. Szefi, has advised that the Defendants do not oppose Applicants’ intervention.

WHEREFORE, Applicants respectfully request that this Court grant their motion to intervene as of right, or in the alternative, grant them a permissive injunction.

Dated: March 2, 2020

Adriel I. Cepeda Derieux*

Dale E. Ho*

American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500
acepedaderieux@aclu.org
dho@aclu.org

Stuart C. Naifeh*

Demos
80 Broad Street, 4th Floor
New York, NY 10004
Tel.: (212) 485-6055
snaifeh@demos.org

(additional counsel listed below)

Respectfully submitted,

/s/ Witold J. Walczak

Witold J. Walczak
PA No. 62976

/s/ Sara J. Rose

Sara J. Rose
PA No. 204936

/s/ Ali Szemanski

Ali Szemanski
PA No. 327769

American Civil Liberties Union
of Pennsylvania
P.O. Box 23058
Pittsburgh, PA 15222
Tel.: (412) 681-7736
vwalczak@aclupa.org
srose@aclupa.org
aszemanski@aclupa.org

/s/ Witold J. Walczak
Witold J. Walczak
PA No. 62976

/s/ Sara J. Rose
Sara J. Rose
PA No. 204936

/s/ Ali Szemanski
Ali Szemanski
PA No. 32205

American Civil Liberties Union
of Pennsylvania
P.O. Box 23058
Pittsburgh, PA 15222
Tel.: (412) 681-7736
vwalczak@aclupa.org
srose@aclupa.org
aszemanski@aclupa.org

Chiraag Bains*
Demos
740 6th Street NW, 2nd Floor
Washington, DC 20001
Tel.: (202) 864-2746
cbains@demos.org

Attorneys for Proposed Defendant-Intervenors

** pro hac vice applications to be submitted*

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing motion was filed electronically and served on all counsel of record via the ECF system of the U.S. District Court for the Western District of Pennsylvania.

Dated: March 2, 2020

/s/ Witold J. Walczak